
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brosnan

Attorney Docket No.: IGT1P021/P-239

Application No.: 09/595,798

Examiner: William H. McCulloch, Jr.

Filed: June 16, 2000

Group: 3714

Title: USING A GAMING MACHINE AS A
SERVER

Confirmation No.: 3520

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on March 13, 2008.

Signed: /Chereyce Brown/
Chereyce Brown

Petition to Withdraw Holding of Abandonment
37 CFR §1.181

Assistant Commissioner for Patents
Box: DAC
Washington, D.C. 20231

Dear Sir:

Applicants hereby request that the Notice of Abandonment mailed on March 5, 2008 be withdrawn in view of the timely filed Appeal Brief filed March 13, 2008. Applicant notes that the following response is 8 days after the Notice of Abandonment was mailed and thus, believes Applicant's response is timely.

The following is a list of events that occurred prior to the issuance of the Notice of Abandonment.

- 1) The USPTO Mailed a Final Rejection of the above matter on March 14, 2007
- 2) Applicant filed a Notice of Appeal on July 18, 2007 including a pre-appeal brief and a request for a pre-appeal brief conference. Normally, Applicant would have two months from the July 18, 2007 filing date to file an Appeal Brief without extensions and would be able to take up to five months extensions ending on Feb. 18, 2008 to file an Appeal Brief.
- 3) Applicant received a Pre-Appeal response decision on September 14, 2007. In the decision, it recites,

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

Applicant believes based upon the wording of the pre-Appeal response that the time period for submitting an Appeal brief was reset to October 14, 2007, which was one month from the mailing of the Pre-appeal decision of September 14, 2007. Consistent with 37 CFR 1.136, Applicant believes up to 5 months of extensions are allowable from the October 14, 2007. Thus, Applicant believes an Appeal Brief filed between February 15 and up to and including March 14, 2008 would be a timely response with a payment of a 5 month extension fee.

4) Applicant filed an Appeal Brief on March 13, 2008 including instructions to pay the 5 month extension fee. Thus, Applicant believes the Appeal Brief was filed in a timely manner and there is no cause for the holding of Abandonment.

5) Applicant believes the Notice of Abandonment mailed on March 5, 2008 is improper as Applicant still had time remaining in which to file a timely response. Thus, Applicant respectfully respects the Notice of Abandonment to be withdrawn in light of the facts recited above and that the Appeal Brief that was filed be allowed to be entered into the record such that the Appeal process may continue.

The undersigned, David P. Olynick, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application resulting therefrom.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/David P. Olynick/
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